



MEMBERS OF THE UNITED STATES SUPREME COURT.



WILLIAM R. DAY, HENRY D. BROWN, DAVID J. BREWER, EDWARD D. WHITE, CHIEF JUSTICE MELVILLE W. FULLER, JOHN M. HARLAN, JOSEPH MCKENNA, OLIVER WENDELL HOLMES, RUFUS W. PECKHAM. Justices Harlan, Brewer, Brown, McKenna and Day decided against the Northern Securities Company. Chief Justice Fuller and Justices White, Holmes and Peckham dissented.

JAPANESE DENY LOSSES.

NO SHIPS SUNK IN FIGHT.

Damage Easily Repaired—New-Chwang To Be Abandoned.

An official statement that none of the Japanese warships was seriously damaged in the recent battle off Port Arthur was issued at Tokio. Twenty thousand additional Chinese troops are on the way to guard the Manchurian border, according to a dispatch from New-Chwang. Preparations to hold New-Chwang continue, but the opinion is held that the Russians will abandon the town on the approach of the Japanese and wait until three hundred thousand men are mobilized before beginning an active campaign. Japanese rumors that the Russians had abandoned Port Arthur were officially denied.

MIKADO'S FLEET INTACT.

The Takasago Uninjured—Honor for Wounded Engineer.

Tokio, March 14.—Viceroy Alexieff's report stating that a Japanese torpedo boat destroyer was sunk and the cruiser Takasago heavily damaged by the shell fire of the Russians in the fourth attack on Port Arthur is officially pronounced untrue. The damaged Japanese destroyers can be repaired in one week, and it will not be necessary to dock them. A supplementary report from Vice-Admiral Togo, concerning the effort made by crews of the Japanese torpedo boat destroyers in the recent action off Port Arthur to rescue the crews of the disabled Russian destroyers, reached here today. Captain Shojiro Asai, commanding the flotilla, states that the Japanese would have been able to rescue many more of the enemy, but for the deadly fire of the shore batteries and the close approach of the Russian cruiser Novik. The report also says that four men rescued were not part of the crew of the Stereguschki, as originally reported. When the Japanese rescuers reached the Stereguschki only the dead remained on board, and it is believed the living members of the crew jumped overboard and perished. Three of the Russians rescued are engineers and the fourth is a torpedo operator. They were all placed aboard a Japanese battleship and received food and medicine. Engineer Minamisawa, the heroic officer of the torpedo boat destroyer Kasuma, has received for his gallantry the Order of the Kyte, the Order of the Rising Sun, and has been promoted from engineer to chief engineer. The Order of the Kyte is the Japanese equivalent of the British Victoria Cross and the American medal of honor. Chief Engineer Minamisawa is the first to whom the Kyte has been awarded for heroism in the war. It is probable that he will survive his wounds.

RUSSIANS SINK SHIPS.

Not with Shells, However—Move Probably to Raise Retzivan.

London, March 15.—A correspondent of "The Daily Mail" at New-Chwang says that after the removal of the battleship Retzivan four Russian steamers—the Harbin, the Hailer, the Niputa and the Sugiari—were anchored at the mouth of the entrance to Port Arthur in proper position and sunk, leaving only a small channel available. Admiral Makarov having previously ordered the whole fleet to remain outside with steam up, economy in coal being unnecessary. Cable reports were published yesterday of the sinking of the Retzivan, which seem to explain the origin of the foregoing dispatch. According to these stories, the Russians anchored steamers alongside the battleship and sunk them, afterward landing all the vessels securely together. The steamers were then dumped out, floating the Retzivan as they rose, and all were towed into the harbor.

NEW-CHWANG WEAK.

Russians Likely to Retire—Three Warships Lack Repairs.

Ting-Kow, March 14.—The local Russian authorities are manifestly much annoyed at the solicitous inquiries of the commanders of foreign gunboats regarding the projected blocking of the Liao River before the arrival of the Japanese, whose coming is regarded as a foregone conclusion. Although the blocking of the Liao and also the defence of the settlement and native town are regarded as impossible, it is certain that a disposition of guns has been made and a defence plan has already been arranged. The arrival of General Kondratovich a few days ago has not improved the situation.

PANAMA GOLD STANDARD.

Decree to Take Effect on January 1—Rate of Exchange.

Panama, March 14.—According to a decree of the convention published to-day, the monetary unit of the republic after December 31 next will be the gold dollar of the same dimensions and weight, by law, as the United States dollar. The silver currency now in circulation will be exchanged at the rate of \$100 in gold for \$25 in silver. The decree is causing much discussion.

DANGER IN PAPER MONEY.

Health Commissioner Darlington Finds 126,000 Bacteria on One Bill.

Washington, March 14.—Representative Gaines, of Tennessee, today laid before the House Committee on Banking and Currency a letter from Dr. Thomas Darlington, Health Commissioner of New-York, giving the result of his investigation of coin and paper money to determine the extent it may be a conveyor of disease germs. Bacteria, according to the report, will not live longer than forty-eight hours on silver, nickel and copper coins. Two dirty bills were washed and one was found to contain 126,000 bacteria, the other 12,600. Two comparatively new bills contained respectively 2,250 and 2,000 germs. The report says: "Upon all were found staphylococci, proving that money may carry disease."

BAR STEEL PRICES ADVANCED.

Pittsburg, March 14.—The Bar Steel Association in session here today advanced prices \$1 a ton. Some of the members urged that prices be advanced \$1 a ton.

DEWEY'S PORT WINE AND GRAPE JUICE.

Are superior for your sick ones. H. T. Dewey & Sons Co., 125 Fulton St., New York.

FOR TRIBUNE ORDINANCE.

MAY PASS IT TO-DAY.

Messrs. Sullivan, Ahearn and Hopper Support Buildings Measure.

Borough President Ahearn, Alderman Timothy P. Sullivan and Buildings Superintendent Hopper at a conference yesterday decided to support the Davies building ordinance, introduced at the suggestion of The Tribune and the Republican County Committee a week ago. The resolution is now in the Buildings Committee. Probably it will be reported out in time to have it adopted by the aldermen to-day. The resolution was drafted by ex-Justice Julius M. Mayer. It is designed to clothe the Buildings Department with power instantly to stop work on any building when it is manifest that the building laws are being violated. If the building bureau had had this power the Darlington building disaster might have been prevented. The proposed ordinance follows:

It is ordained by the Board of Aldermen of the City of New-York as follows: An ordinance entitled "The Building Code, adopted September 12, 1899, by the Board of Aldermen, and by the Common Council on October 10, 1899, and approved by the Mayor on October 24, 1899, is hereby amended by adding thereto a section to be known as Section 15A, as follows: "Section 15A. In case there shall be in the opinion of the Superintendent of Buildings in any borough having jurisdiction, danger to life or property by reason of any defective or illegal work, or work in violation of or not in compliance with any of the provisions or requirements of this code, the said Superintendent of Buildings shall have the right, and he is hereby authorized and empowered, to order all further work to be stopped in and about said building, and to require all persons in and about said building forthwith to vacate the same, and to cause such work to be done in or about the building as in his judgment may be necessary to remove any danger therefrom. And said Superintendent of Buildings may, when necessary, close the sidewalks and streets adjacent to said building or part thereof, and the Police Department when called upon by the said Superintendent of Buildings to co-operate shall enforce such orders or requirements."

"I have looked over the ordinance proposed by The Tribune," said Alderman Sullivan yesterday, "and I am free to say that I think it is a good idea and will be of great use in the department as soon as it becomes a law. I shall see Superintendent Hopper about it to-day, and unless something unusual should happen to prevent I think the Committee on Buildings will be able to act on it at once. Some such ordinance is necessary if the Buildings Department is to have authority to protect the interests of the public."

"The Tribune's proposed building ordinance seems to be a thoroughly conservative and efficient one," said Borough President Ahearn. "If it becomes a law it will greatly facilitate the work of the Buildings Department, especially in cases like that of the Darlington Hotel, where the faulty construction was duly noted by the inspector, but where, under the regulations, the work could not be interrupted without tedious process of law."

MILES PROHIBITIONIST.

The General Ready to Accept Nomination on That Ticket.

Oil City, Penn., March 14.—David O. McCalmont, of Franklin, chairman of the Venango County Prohibition Committee, is in receipt of a letter from General Nelson A. Miles, in which the General announces himself indirectly as a candidate for the Prohibition nomination for President. Some time ago Mr. McCalmont wrote to General Miles announcing that he would be a delegate to the Prohibition National Convention, and asking if he could not have the pleasure of supporting the General for the nomination. The full text of the letter received in reply Mr. McCalmont refuses to make public, but at a dinner in Franklin last Tuesday he proposed General Miles as the Prohibition candidate and read the following extract from the letter:

BRADLEY'S LOWEST BID FOR P. R. LAND BORES.

BIG SUBWAY CONTRACTOR LIKELY TO GET RIVER TO RIVER TUNNEL CONTRACT.

The contract for building the Pennsylvania tunnels on Manhattan Island, from the North River shaft to the East River shaft, is likely to be awarded in about ten days. According to a rumor which was partly confirmed yesterday, William Bradley, who is the contractor for the river part of the rapid transit subway running through upper Broadway, and for much of the tunnel work, will get the contract. He is the lowest bidder. The successful way in which he has carried on his subway building places him, it is said, in a high rank as a subway contractor. The Pennsylvania tunnel work in Manhattan Island will be in many respects similar to the subway work, and if he gets the contract Mr. Bradley will be in a position to begin the work immediately, as he has a sufficient force of skilled workmen in his employ and a large amount of the necessary machinery.

HEARST FIRST; BOOKWALTER SECOND.

Springfield, Ohio, March 14.—At the convention at Urbana this afternoon of the Democrats of the XVIII Congress District, the Kansas City platform was reaffirmed without much opposition, and two delegates were chosen to the national convention at St. Louis. These delegates are William Finley, chairman of the State Central Committee, and the leader of the Bryan faction in the State, and W. L. Novin, of Delaware. Both are for Hearst for President, with Bookwalter second choice. Finley is the Editor of "The Kenton Press." He is an uncompromising free silver man.

ANOTHER SUIT PENDING.

Case of Minnesota Against the Northern Securities Company.

St. Paul, March 14.—The government's victory in the Northern Securities case does not end the litigation. There still remains on the docket an appeal of the State of Minnesota from the decision of Judge Lochren. Attorney General W. B. Douglas is on the way home from Washington, and could not be seen to-day, but attorneys familiar with the litigation say that the case will have to be decided without reference to the federal decision. It may be thrown out for lack of jurisdiction, and, so far as the result to the merger is concerned, the decision given to-day covers the same ground. There are different principles of law involved, however, and attorneys for the State hope they can secure a decision of their case on its merits. Such a decision will determine whether the federal courts can be appealed to in order to prevent outside corporations from violating the laws of a State. Civilization has long needed an aperient that does not cause discomfort. Bohn's Homeopathic Laxative fulfils that want perfectly.—Adv.

THE MERGER ILLEGAL.

U. S. Supreme Court Decides Against Northern Securities Company.

GOVERNMENT CONTENTION UPHELD

The United States Supreme Court yesterday, with four justices dissenting, declared the Northern Securities Company a combination in restraint of trade, and therefore illegal under the Sherman Anti-Trust law. The decision sustains all the main contentions of the government. Its chief points may be summarized as follows: First—The authority of Congress over interstate commerce and corporations engaged in it is supreme, far reaching, subject only to the limitations imposed by the Constitution on the lawmaking power, and not reviewable by the courts. Second—Any agreement by which the operations of two or more parallel and competing railroads engaged in interstate commerce are controlled by a single corporation or person is a combination in restraint of trade, and therefore obnoxious to the Sherman Anti-Trust law. Third—Actual restraint of trade need not be shown; possession of power to commit a prohibited act is equivalent to commission of it.

The opinion of the court was delivered by Justice Harlan, Justices Brewer, Brown, McKenna and Day concurring. Justice Brewer, while agreeing with the general result reached, submitted an opinion holding that the majority went too far.

The dissenting members of the court were Chief Justice Fuller and Justices White, Peckham and Holmes. Their opinions were delivered by Justices Holmes and White. Justice White took strong grounds against the conclusions reached by the majority, declaring that their decision would destroy individual liberty and invade the rights of the States.

A significant feature of the decision is that a majority of the court goes on record as holding that the Sherman law applies only to combinations in "unreasonable" restraint of trade, a reversal of its position in some former interstate commerce cases.

The result of the case is regarded as a notable triumph for President Roosevelt and Attorney General Knox.

FOUR MEMBERS DISSENT. THE DECISION DRASTIC.

Their Opinions Delivered by Justices Holmes and White.

Washington, March 14.—The dissenting justices, including Chief Justice Fuller and Justices White, Peckham and Holmes, presented two opinions, giving their reasons for not agreeing with the majority of the court in the decision reached. The first of these was delivered by Justice Holmes and the second by Justice White. Justice Holmes contended that the Anti-Trust statute is of a criminal nature, and said: "It is in vain to insist that this is not a criminal proceeding. The words cannot be read one way in a suit which is to end in fine and imprisonment, and another way in one which seeks an injunction. I am no friend of artificial interpretations, because the statute is of one kind rather than another, but all agree that before a statute is to be taken to punish that which always has been lawful it must express its intent in clear words. So I say we must read the words before us as if the question were whether two small exporting grocers should go to jail."

He conceded, he said, for the purpose of discussion, that Congress might take steps not only to regulate commerce, but also to regulate instruments of commerce or contracts, the bearing of which on commerce would be only indirect. But the mere fact of an indirect effect on commerce not shown to be certain, he argued, would not justify such a law.

Referring to the contention as to the effect the government charges that if the combination was held not to be in violation of the act of Congress, then all efforts of the national government to preserve to the people the benefit of free competition among carriers engaged in interstate commerce will be wholly unavailing, and all transcontinental lines, indeed the entire railway systems of the country, may be absorbed, merged and consolidated, thus placing

ANOTHER PLAN READY.

NOBODY SEEMS WORRIED.

And Hill Thinks a Rehearing Not Worth Asking For.

As opportunity had not yet been afforded them to see the text of the opinion, financiers identified with the Northern Securities Company and attorneys who had appeared in the litigation were averse yesterday afternoon to commenting on the Supreme Court's action. James J. Hill, president of the Northern Securities Company, when seen soon after news of the decision had reached Wall Street, declined to make any statement, merely remarking: "The properties are all there, just as they have been all along. They can't be taken from us." Mr. Hill was in conference for some time after the news came out with John S. Kennedy, who is vice-president, and one of the largest stockholders in the Northern Securities Company, and later held a long conference with Daniel S. Lamont and other directors. On leaving his office for the day he was asked: "What effect will this decision have on the other railroad combinations contemplated?" "You ought to know that as well as I do," was the reply. "Have you been ordered to redistribute the stock?" "No, I haven't had any word from the court yet."

"What will you do?" "When it comes to a question of the law, I'll obey the law. It's up to the courts to see if they enforce the law."

"Will you move for a rehearing?" Mr. Hill thought for a moment. "No," he said. "I don't think we care enough for a rehearing to ask for it. The court was certainly closely matched on the decision. I understand that even the majority hold different opinions on the case."

"Have you an alternative plan?" "Well, not for publication," and Mr. Hill smiled.

Colonel William D. Guthrie, fourth vice-president and general counsel of the Northern Securities Company, was in Washington yesterday. At the offices of J. P. Morgan & Co. no expression of opinion regarding the decision could be had. A member of the firm said, however, that he was not surprised. Francis Lynde Stearns, counsel for J. Pierpont Morgan, had a long conference with Mr. Morgan late in the afternoon. On being asked if he would make any statement he answered:

"It is a matter of such vast importance that I would not feel justified in discussing it before having read the full decision of the court."

E. H. Harriman said that he must read the decision and thoroughly digest it and confer with his advisers before he could feel himself in a position to make any statement upon the subject.

William D. Guthrie was unwilling to make any comment, as his connection with the Northern Securities litigation had not included the case just passed upon by the Supreme Court of the United States. Ex-Attorney General John W. Griggs, who was one of the attorneys for the Northern Securities Company when the case was argued before the Supreme Court, was in Trenton yesterday, and James M. Beck, of Shearman & Sterling, who, as an Assistant Attorney General of the United States, was associated with Attorney General Knox in the prosecution of the government's case, is in Boston this week.

A well known corporation lawyer yesterday said in regard to the decision:

"The decision of the court is not a great surprise to corporation lawyers who have studied the questions involved. In the Addison Pipe and Trans-Missouri cases the court had already indicated its policy on this all important subject."

I differ from those who see in the decision anything that will be hurtful to the healthful growth of the great railroad systems or other industries of the country within legitimate lines. On the contrary, it seems to me that the principle announced is a long step in the right direction and looks toward progressive and conservative policy in the management of great corporate interests and to their proper control within the law. It would be a national misfortune if competing public corporations were permitted to combine, no matter how laudable their expressed purposes at the time of combination. Given the power to restrict competition, even if the combination was not ostensibly or really prohibited, however plausible, which brought about the restriction of competition, and the people would find themselves at the mercy of the corporations occupying the public domain, presumably the servants of the people, but really the masters."

It was hardly to be expected that, when the courts had once determined that competing lines could not combine, they would approve of any device, however plausible, which brought about the prohibited result by indirect means. The Knight case, decided in the United States Supreme Court, still stands in the way of the free application of the rules of law now laid down by the court to industrial corporations.

PRESIDENT VINDICATED.

COURT SUSTAINS HIM.

Majority Not Against "Reasonable" Restraint of Trade.

[FROM THE TRIBUNE BUREAU.] Washington, March 14.—The Supreme Court of the United States to-day upheld the contentions of the government in the Northern Securities case by a vote of 5 to 4, Justices Holmes and White delivering dissenting opinions. The decision, which was delivered by Justice Harlan, was concurred in by Justices Brewer, Brown, McKenna and Day. Chief Justice Fuller and Justices White, Holmes and Peckham dissented from the finding of the court. This result is regarded as a remarkable triumph for the President and the Attorney General. The Supreme Court has by its decision confirmed the judgment of the President that the Northern Securities Company was formed in violation of a law which, irrespective of its merits, he was sworn to uphold and enforce. Moreover, a movement, which, in the opinion of Justice Harlan, might logically have led to the absorption of all the railroads of the United States by a "holding corporation" which could "control rates throughout the country in defiance of Congress," has been checked in its inception by the courage of a President who, with entire singleness of purpose, dared to invoke the courts against a great aggregation of capital. REVERSAL OF FORMER DECISIONS. Not less important than the decision itself, and, in the opinion of some authorities, of even more moment, is the fact that a majority of the Supreme Court holds to the opinion that the Sherman act must be construed in accordance with the principles of common law, that it applies only to combinations in unreasonable restraint of trade, a complete reversal of the position of this court when it handed down the decision in the trans-Missouri case. That a majority of the court now hold to this opinion is brought out in the opinions. Justices Fuller, Holmes, White and Peckham dissented from the decision handed down to-day, and Justice Brewer, while assenting to the decision as applied to the Northern Securities case, which he declared to be clearly a combination in unreasonable restraint of trade, dissented from the opinion of Justice Harlan, putting himself on record as of the opinion that, were the restraint of trade in this instance reasonable, he would have voted against the decision rendered. Justice Brewer said in his opinion, referring to the decisions in the cases of the United States vs. the Freight Association and of the United States vs. the Joint Traffic Association: "I think in some respects the opinions went too far. Instead of holding that the Anti-Trust act included all contracts, reasonable or unreasonable, in restraint of interstate trade, the ruling should have been that the contracts there presented were in themselves unreasonable restraints of trade, and therefore within the scope of the act."

NO CRUSADE AGAINST BUSINESS. The attitude of a majority of the court being thus clearly defined in support of the contention that the Sherman law was not intended to interfere with combinations "in reasonable restraint of trade," the fear, expressed in many quarters, that the Northern Securities decision would be promptly followed by action against a vast number of combinations now in existence is disposed of, and numerous financial interests which have viewed with the gravest alarm the decision in the case will enjoy the utmost relief as a result of the attitude of the court as revealed to-day. That the decision rendered to-day will immediately be followed by wholesale prosecutions under the Sherman act may be authoritatively denied. There is no desire on the part of the administration to disturb business or impair the value of legitimate enterprises or securities. Time will be required to weigh the full value of to-day's decision, and it is probable that few other instances will be found where combinations so clearly in violation not only of the letter but of the spirit of the Sherman law have been effected. It is possible that State authorities will be encouraged to undertake the prosecution of the so-called Beef Trust, but no definite information on that point is obtainable in Washington. THE DIVISION OF THE COURT. Some attempt was made in certain quarters to-day to draw a political inference from the fact that all of the Democrats in the Supreme Court voted against the decision, while the Republicans, with one exception, upheld it, but competent observers declare that the only significance to be attached to this division was to be found in the strict adherence of the Democrats to the old doctrine of State rights, which they evidently feared would be endangered by a decision, under the Sherman law, in favor of the government. It is regarded as significant of the entire case, however, that, despite the clamor of the Democrats against corporate rights, it remained for a Republican President to invoke the law in the interests of the people as against a corporate combination. PRESIDENT CONGRATULATED. President Roosevelt received the news of the merger decision within five minutes after it was delivered by telephone from one of the news associations. Soon after that congratulations began to pour into the White House from all quarters of the city. Senators, Members of the House and bureau chiefs called up by telephone, to tell Secretary Loeb to convey to the President their satisfaction over his victory. Before midnight these felicitations were supplemented by telegraphic congratulations, and by tomorrow morning the President will begin to receive